

UNITED STATES DISTRICT COURT
FOR OREGON
EUGENE DIVISION

HONORABLE JUDGE MICHAEL R. HOGAN

Lawrence James Saccato	§	
Plaintiff ProSe'	§	
	§	Case No:10-CV-06244-HO
Vs.	§	
	§	MOTION FOR SUMMARY
	§	JUDGMENT IN FAVOR OF
U.S. Bank National Association N.D.	§	PLAINTIFF
	§	
Co-Defendant	§	
	§	

PLAINTIFFS MOTION FOR SUMMARY JUDGMENT

LR 7.1-1 Certification

The undersigned Plaintiff Lawrence James Saccato pro se, has made a good faith effort and conferred with Defendants Counsel, Chris Kayser by telephone and e-mail concerning this motion. The parties have not been able to resolve this dispute.

INTRODUCTION

(1)

The Plaintiff wishes to point out to the Court that he is NOT an individual schooled in the law, but as one of the people exercising her rights under law for the proper action of the Court in the pursuance of justice.

(2)

Plaintiff asks the court look to the substance of Plaintiff's pleadings rather than the form and asks the court to take judicial notice pursuant to FIRST CONGRESS Sess., I CH. 20 Section 32 of the Judiciary Act of 1789 (1 Stat. 73) which specifies that "*courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form.*" and Haines v. Kerner (404 U.S. 519), wherein the courts directed that those who are unschooled in law making complaints/pleadings shall have the court look to the substance of the complaint/pleadings rather than the form.

(3)

Plaintiff respectfully moves this Court for an order granting summary judgment in favor of the Plaintiff, pursuant to FRCP Rule 56, on the grounds that Defendant violated the FCRA US Bank willfully and negligently violated the provisions of the FCRA by willfully and/or negligently failing to comport with FCRA section 1681s-2(b); **15 U.S.C. § 1681n. Civil liability for willful noncompliance the Fair Credit Reporting Act, 616.** Defendant, US Bank also violated the **Fair Credit Reporting Act, 617. Civil liability for negligent noncompliance [15 U.S.C. § 1681o]** Plaintiff's creditworthiness has been repeatedly compromised by the acts and omissions of the defendants. Defendant, US Bank reported inaccurate balances as well as inaccurate information into the Plaintiff's credit reports. As a result Plaintiff has a negative credit score to this date and has been denied credit at reasonable rates because of the willful noncompliance actions erroneous and inaccurate reporting and inaction's of the Defendant, US Bank.

(4)

The Plaintiff also on or about June 15, 2009 and April 15, 2010 disputed the trade line being reported by Defendant U.S. Bank with the three National Credit Reporting Agencies, Transunion, Experian and Equifax. Plaintiff also contacted Defendant, U.S. Bank on June 22, 2009 and April 26, 2010 with a letter(s) of dispute to information they were reporting to the Credit Reporting agencies. The reporting agencies contacted the Defendant U.S. Bank

.Document 49 Filed Page 2 of 24 Page ID#: 197 Para (5)

(5)

The investigation among other duties required the Credit providers to communicate with the reporting agencies and mark the account in dispute during the investigation. U.S. Bank uses the E-Oscar reporting system as admitted in Mrs. Buckley's Declaration, Document 49 Filed Page 2 of 24 Page ID#: 197 Para (4). (The complete document is under protective order and can be provided to the Court upon request under separate cover). The E-Oscar Procedures for Researching Credit Bureau Disputes, stated in (5) **Within 30 days of receipt of a written dispute, regardless if there will be an update completed or the dispute is rejected, a letter is mailed or faxed to the customer explaining the outcome of the research.** The Defendant has not produced a copy of such letter and has also testified during her deposition on November 2, 2011 that after careful review of the ONMN Account Notes (exhibit USB/SACC 000020-24) that a letter had not been sent out as required. (Mrs Buckley's deposition transcripts have not been delivered but can be provided to the Court if needed). The ONMN Notes do not even make note of any investigation being conducted at all! (Also verified by Mrs. Buckley during her Deposition)

(6)

In Mrs Buckley's declaration, she also stated "When a dispute, like Mr. Saccato's, is received from one of the credit bureaus, the bank immediately investigates", Document 49 Filed Page 2 of 24 Page ID#: 197 Para (4), yet there is no evidence in any record provided by US Bank of any investigation being completed by US bank for any of the disputes. Plaintiff has asked again and again for a copy of any evidence of US bank doing an investigation or a re-investigation.

(7)

In Mrs. Buckley's declaration Document 49 Filed Page 2 of 24 Page ID#: 197 Para (8) she states ". In addition, after this case was filed, I conducted an additional investigation which further confirms that the accounts are in fact Mr. Saccato's and that his contrary claims are completely without merit". U.S. Bank, Mrs. Buckley again have not produced any documents evidencing any investigation either the required ones nor the extracurricular investigation Mrs. Buckley claims she completed. Mr. Kayser has repeatedly stated that they have produced all documents he believes are relevant to the case.

(8)

The FCRA requires that the Credit Providers insure that information will be accurately reported and US Bank also failed in this respect as evidenced in exhibit (Exhibit LJS 00032) Experian was reporting a balance of \$36,350 as of Sep 2009 , US Bank provided a statement for activity from Oct 2009 thru Nov. 2009 with a balance of \$32,681.21 . It also stated a charge off amount of \$32,681.21 with payments and credits of \$37, 193.41 (Exhibit LJS 033) . Then on April 19, 2010, Experian was reporting a balance as of Jan 2010 of \$38,329, Status Transferred Closed written off. (Exhibit LJS 034) In addition the trade line was still not marked as in dispute as required under the FCRA.

(9)

Again the Defendant, U.S. Bank reported erroneous and inaccurate information as evidenced by the Affidavit of Claim and Certification of Amount Due executed by Cynthia Duda, employed by US Bank as a Recovery Manager whereby she certifies under oath that the \$38, 275.94 which also severely conflicts with the amount being reported in the Experian October 24th 2009 amount of \$36,350 (Exhibit LJS 035) Again the amounts being reported are erroneous and inaccurate which is a direct violation of the FCRA.

(10)

And yet again we turn to the Equifax Report showing the trade line being reported on 03/2010 as Transferred/Sold status with an high credit amount \$37, 193 and a last payment date of 01/10. This amount again conflicts with the other erroneous and inaccurate amounts exhibited and attached hereto. (Exhibit LJS 028)

(11)

In addition to all of the above evident violations none of the Credit Reports indicate or are marked in dispute as required under the FCRA.

(12)

A single violation is sufficient to support judgment for the consumer. Cacace v.Lucas, 775 F.Supp. 502, 505 (D.Conn. 1990); Supan v. Medical Bureau of Economics, Inc., 785 F.Supp. 304, 305 (D.Conn. 1991).

Plaintiff is also entitled to summary judgment as a matter of law.

(13)

This motion is based on this Notice, the records and papers on file herein, the attached Memorandum of Points and Authorities, the Declaration of Lawrence James Saccato, the attached Separate Statement of Undisputed Material Facts, and on such other evidence as may be presented at the hearing of this motion.

Respectfully submitted this 8th day of November, 2011.

LAWRENCE SACCATO

Lawrence James Saccato pro se'

C/o 6387 Old Hwy 99 S

Roseburg Oregon 97470

541-784-2284 mess.

ljsaccato@gmail.com

AFFIDAVIT OF NOTARY PRESENTMENT

State of OREGON)
) ss.
County of DOUGLAS)

CERTIFICATION OF MAILING

On this 15th day of June, 2009, for the purpose of verification, I, the undersigned Notary Public, being commissioned in the County and State noted above, do certify that Lawrence James Saccato appeared before me with the following documents listed below. I, the undersigned notary, personally verified that these documents were placed in an envelope and sealed by me. It was sent by United States Post Office First Class Mail postage prepaid to Transunion Consumer Solutions, P.O. Box 2000, Chester, PA 19022-2000.

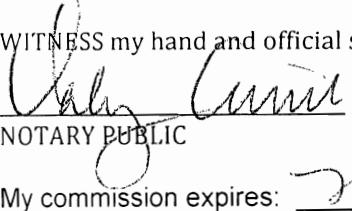
Number of Pages

Letter of Dispute

1

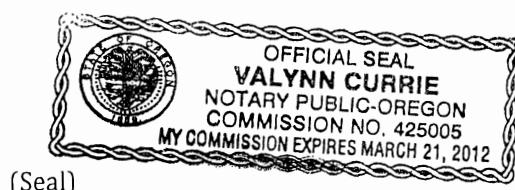
Valynn Currie, Notary Public
P.O. Box 3097
Winston, Oregon 97496

WITNESS my hand and official seal.


NOTARY PUBLIC

6/15/09
DATE

My commission expires: March 21, 2012



LTS 00001

AFFIDAVIT OF NOTARY PRESENTMENT

State of OREGON)
)
) ss.
County of DOUGLAS)

CERTIFICATION OF MAILING

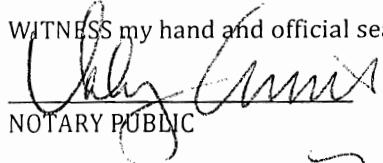
On this 15th day of June, 2009, for the purpose of verification, I, the undersigned Notary Public, being commissioned in the County and State noted above, do certify that Lawrence James Saccato appeared before me with the following documents listed below. I, the undersigned notary, personally verified that these documents were placed in an envelope and sealed by me. It was sent by United States Post Office First Class Mail postage prepaid to Experian, P.O. Box 9701, Allen Texas 75013.

Number of Pages

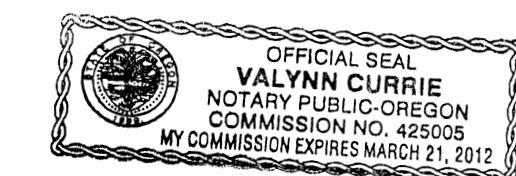
Letter of Dispute

1

Valynn Currie, Notary Public
P.O. Box 3097
Winston, Oregon 97496

WITNESS my hand and official seal.

NOTARY PUBLIC

6/15/09
DATE



My commission expires: March 21, 2012

1.55 00003



U.S. Postal Service™

CERTIFIED MAIL RECEIPT

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Postage	\$ 88
Certified Fee	\$ 280
Return Receipt Fee (Endorsement Required)	\$ 30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 554

Postmark
Here

7007 2680 0002 5525 7286

Sent To	TRANSUNION
Street, Apt. No., or PO Box No.	P.O. Box 2000
City, State, ZIP+4	Chester PA 19022

PS Form 3800, August 2006

See Reverse for Instructions

[Go >](#)**Track & Confirm****Search Results**

Label/Receipt Number: 7007 2680 0002 5525 7286

Service(s): Certified Mail™

Status: Delivered

Your item was delivered at 10:56 AM on April 19, 2010 in CRUM LYNNE, PA 19022.

Detailed Results:

- Delivered, April 19, 2010, 10:56 am, CRUM LYNNE, PA 19022
- Arrival at Unit, April 19, 2010, 9:58 am, CHESTER, PA 19013

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**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Transunion
P.O. Box 2000
Chester, PA 19022

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Agent AddresseeB. Received by (Printed Name) Date of Delivery

TransUnion LLC

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: **APR 19 2010** No

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes2. Article Number
(Transfer from service label)

7007 2680 0002 5525 7286

102595-02-M-1540

PS Form 3811, February 2004

Domestic Return Receipt

DJS 00011



Track & Confirm

Search Results

Label/Receipt Number: 7007 2680 0002 5525 7262

Service(s): Certified Mail™

Status: Delivered

Your item was delivered at 12:02 PM on April 19, 2010 in ALLEN, TX 75013.

Detailed Results:

- Delivered, April 19, 2010, 12:02 pm, ALLEN, TX 75013
- Arrival at Unit, April 19, 2010, 11:48 am, ALLEN, TX 75002

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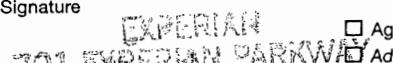
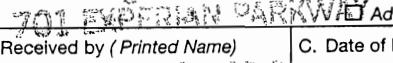
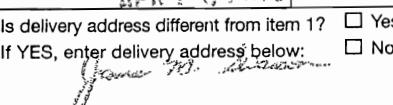
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For delivery information visit our website at www.usps.com	
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Postage	\$ 44
Certified Fee	18
Return Receipt Fee (Endorsement Required)	250
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 554
Postmark Here	
Sent To Experian Street, Apt. No., or PO Box No. City, State, ZIP+4 P.O. Box 9701 Allen, TX 75013	
PS Form 3800, August 2006	
See Reverse for Instructions Go >	

SENDER: COMPLETE THIS SECTION	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	
<p>1. Article Addressed to:</p> <p>Experian P.O. Box 9701 Allen, Texas 75013</p>	
<p>COMPLETE THIS SECTION ON DELIVERY</p>	
<p>A. Signature  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Add:</p>	
<p>B. Received by (Printed Name)  <input type="checkbox"/> C. Date of D.</p>	
<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No </p>	
<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merch. <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. </p>	
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

2. Article Number **7007 2680 0002 5525 7262**
(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-

LJS 00013

4/20/2010 10:11



Track & Confirm

Search Results

Label/Receipt Number: 7007 2680 0002 5525 8009

Class: First-Class Mail®

Service(s): Certified Mail™
Return Receipt

Status: Delivered

Your item was delivered at 5:23 AM on April 30, 2010 in SAINT LOUIS, MO 63166.

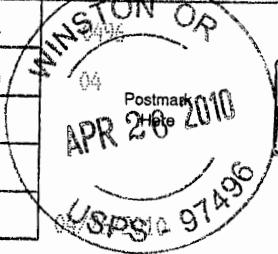
Detailed Results:

- Delivered, April 30, 2010, 5:23 am, SAINT LOUIS, MO 63166
- Arrival at Unit, April 29, 2010, 11:12 am, SAINT LOUIS, MO 63166
- Acceptance, April 26, 2010, 11:55 am, WINSTON, OR 97496

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U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>													
For delivery information visit our website at www.usps.com													
SAINT LOUIS, MO 63166													
OFFICIAL USE													
7007 2680 0002 5525 8009 0002 5525 8009 0002 5525 8009 0002 5525 8009 0002 5525 8009 0002 5525 8009	<table border="1" style="width: 100px; border-collapse: collapse;"> <tr><td>Postage</td><td>\$ 0.44</td></tr> <tr><td>Certified Fee</td><td>\$ 2.80</td></tr> <tr><td colspan="2">Return Receipt Fee (Endorsement Required)</td></tr> <tr><td colspan="2">Restricted Delivery Fee (Endorsement Required)</td></tr> <tr><td colspan="2">\$ 0.00</td></tr> <tr><td>Total Postage & Fees</td><td>\$ 5.54</td></tr> </table>	Postage	\$ 0.44	Certified Fee	\$ 2.80	Return Receipt Fee (Endorsement Required)		Restricted Delivery Fee (Endorsement Required)		\$ 0.00		Total Postage & Fees	\$ 5.54
	Postage	\$ 0.44											
	Certified Fee	\$ 2.80											
	Return Receipt Fee (Endorsement Required)												
	Restricted Delivery Fee (Endorsement Required)												
	\$ 0.00												
Total Postage & Fees	\$ 5.54												
 Postmark APR 26 2010 USPS 10 97496													
Sent To US BANK PO Box 108 St Louis MO 63166													
<small>PS Form 3800 August 2006</small>													
<small>See Reverse for Instructions</small>													
<small>Go ></small>													

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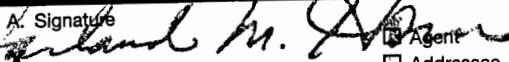
SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

US BANK
PO Box 108
SAINT Louis MO
63166

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent Addressee

B. Recipient Arland M. Horn Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7007 2680 0002 5525 8009

2. Article Number

(Transfer from service label)

102595-02-M-1540



November Statement for activity from Oct. 23, 2009 through Nov. 30, 2009
LAWRENCE J SACCATO

Inquiries: 1-888-852-5786
BNK 35 Page 1 of 1

Your U.S. Bank CreditLine account at a glance

Account 4190 0808 6670 0614

Activity Summary

Previous Balance	\$33,763.74
Payments and Credits	\$37,193.41
Purchases, Advances & Other Debits	\$0.00
FINANCE CHARGES	\$0.00
New Balance.....	\$32,681.21

Credit and Payment Information

Credit Line	None
Available Credit	None
Minimum Payment Due (Current Month)...	\$0.00
Minimum Payment Due (Past Due)	\$0.00
Total New Minimum Payment Due.....	\$0.00
Payment Due Date	Dec. 27, 2009

To avoid late charges, your payment must be posted by the due date of 12/27/09. Paying the new balance will not pay off your account. If you wish to pay your account in full, please call Customer Service for the payoff amount.

Transactions	Post Date	Trans Date	Ref No.	Description of Transaction	Amount
Payments and Credits					
	11/30			REVERSAL OF LATE PAYMENT FEE.....	146.00 CR
	11/30			REVERSAL OF OTHER FEES AT CHARGE OFF.....	113.00 CR
	11/30			INTEREST.....	4,253.20 CR
				CREDIT ADJUSTMENT	
	11/30			CHARGE OFF.....	32,681.21 CR

Rate Summary

Balance Type	By Type	Balance	Periodic Rate	Type	Interest	APR	This Period	Period
BALANCE TRANSFER	\$0.00	\$0.00	0.074630%	VARIABLE	\$0.00	27.24%	0.00%	N
PURCHASES	\$274.77	\$274.77	0.074630%	VARIABLE	\$7.99	27.24%	27.24%	N
ADVANCES	\$36,918.64	\$36,918.64	0.074630%	VARIABLE	\$1,074.54	27.24%	27.24%	N

Important Messages

Each time you or a third party on your behalf, pays your bill by personal check, you authorize us to convert that payment into an electronic debit. If the check is processed electronically, the checking account will be debited for the amount on the check and the debit will appear on your account statement. If you have any questions, please contact us at the Inquiries phone number located on this statement.

End of Statement

Please detach and send coupon with check payable to: U.S. Bank

usbank.

To change your address or for
Customer Service please call:
1-888-852-5786 Every Hour! Every Day!

000014988 1 SP 106481409357089 S

Your Account Number: 4190 0808 6670 0614
Total New Balance: \$32,681.21
Minimum Payment Due: \$0.00
Payment Due Date: Enter Amount of Payment Enclosed
Dec. 27, 2009

U.S. Bank

P.O. Box 790408
St. Louis, MO 63179-0408

LSS 033



Prepared for
LAWRENCE JAMES SACCATO
Report number
2406-8623-11

Report date
April 19, 2010
www.experian.com/disputes
PO BOX 9701, Allen, TX 75013

Page 6 of 34

Potentially negative items or items for further review continued

US BANK (continued)

See History of account balances for additional information.

Creditor's statement: "Account transferred to another lender."
Address identification number:
199376960

US BANK
PO BOX 108
SAINT LOUIS MO 63166
(866) 234-4750

Partial account number
419004033609....

See History of account balances for additional information.

<i>Date opened</i>	<i>Date of status</i>	<i>Type</i>	<i>Responsibility</i>	<i>Credit limit or original amount</i>	<i>Recent balance</i>	<i>Status:</i>
Nov 1998	Oct 2009	Revolving	Individual	\$9,800	NA	Transferred,closed. \$11,735 written off.
<i>Reported since</i>	<i>Last reported</i>	<i>Terms</i>		<i>High balance</i>		<i>Account history:</i>
Dec 2000	Oct 2009	NA		\$11,735		Charge Off as of Sep 2009 150 days past due as of Jul 2009 120 days past due as of Jun 2009 90 days past due as of May 2009 60 days past due as of Apr 2009 30 days past due as of Mar 2009
		<i>Monthly payment</i>	NA			<i>Creditor's statement: "Account transferred to another lender."</i>

Address identification number:
199376960

US BANK
PO BOX 108
SAINT LOUIS MO 63166
(866) 234-4750

Partial account number
419008086670....

See History of account balances for additional information.

<i>Date opened</i>	<i>Date of status</i>	<i>Type</i>	<i>Responsibility</i>	<i>Credit limit or original amount</i>	<i>Recent balance</i>	<i>Status:</i>
Sep 1992	Jan 2010	Revolving	Individual	\$34,000	NA	Transferred,closed. \$38,329 written off.
<i>Reported since</i>	<i>Last reported</i>	<i>Terms</i>		<i>High balance</i>		<i>Account history:</i>
Apr 1994	Jan 2010	NA		\$38,329		Charge Off as of Dec 2009 150 days past due as of Oct 2009 120 days past due as of Sep 2009 90 days past due as of Aug 2009 60 days past due as of Jul 2009 30 days past due as of Jun 2009
		<i>Monthly payment</i>	NA			<i>Creditor's statement: "Account transferred to another lender."</i>

Address identification number:
199376960

LS
CO
W
H



**AFFIDAVIT OF CLAIM
AND CERTIFICATION OF AMOUNT DUE**

STATE OF MISSOURI)
)
COUNTY OF ST. LOUIS)

SACCATO, LAWRENCE J

4190080866700614

The undersigned, Cynthia Duda, being duly sworn, states and deposes as follows:

1. That Affiant is employed by U.S. Bank National Association, a national banking association in the position of Recovery Manager, and is duly authorized to make the statements and representations herein.
2. That one of Affiant's responsibilities is to serve as keeper of the books and records of U.S. Bank National Association ND, which are kept under the U.S. Bank National Association ND's control.
3. That the original application in this matter has been destroyed, or is no longer accessible to Affiant. If any originals are discovered, they will be submitted to the court for review.
4. That the statements made in this affidavit are based on the computerized and hard copy books and records of U.S. Bank National Association ND, which are maintained in the ordinary course of business, with the entries in them having been made at or near the time of the transaction recorded.
5. That by Bill of Sale dated 12/10/2009, the subject account, among others, was sold to CACH, LLC.
6. That as a result of the sale of the subject account, CACH, LLC and/or its authorized agent, has complete ownership and authority to settle, adjust, compromise, and satisfy the above-referenced account and that U.S. Bank National Association ND has no further ownership interest in this account for any purpose.
7. That the subject account was opened on 9/1/1992 by SACCATO, LAWRENCE J, whose social security number is [REDACTED].
8. That at the time when U.S. Bank National Association ND sold the subject account CACH, LLC, the end balance showing on the books and records of U.S. Bank National Association ND was \$38,275.94 including legally chargeable interest, with the last payment date showing as 10/19/2009.
9. That the books and records of U.S. Bank National Association ND further show that there are no uncredited payments, just counterclaims or offsets attributable to the subject account such that the amount shown as due and owing is just, true and correct.

FURTHER AFFIANT SAYETH NOT.

U.S. Bank National Association ND's

By: Cynthia Duda

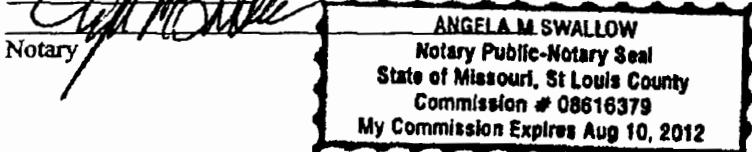
Title: Recovery Manager

Subscribed and sworn to before me this 18 day of March, 2010,

by Cynthia Duda as Recovery Manager of U.S. Bank National Association ND's.

My commission expires:

Notary Seal



Public

LSS035

Page: 1 Document Name: untitled

0091 4190080866700614

LAWRENCE J SACCATO

BAD DEBT

CD

VISA-G

CL

PROD# 3315 ALM 04/01/09

PO BOX 143
GLIDE OR
97443-0143

LOCATN 08932 MEMBER

SINCE 09/92

541-637-5067 OPENED 05/05
PREV PROD 3352

CIT

CARD ACTIVE 05/18/2005 CLOSED 08/09
SRC 08571

	UNKNOWN	INC	UNKNOWN	DEPS	0	AGE UNKNOWN	UNKNOWN	
#CRD	0 FEE	WAIVED	0 STMT X	C-DESIGN	DEFLT	ESO N	DUN	FILMED NO
PIN	EA TYP IC	OVRDFT	0 CASH Y	BANK#	0910-00022	MON REJ	DC	N
PART%	0.00	CUR	37193.41	HI CR	37193	LST ACT	11/30/09	CR SCR1 000
AVL CR	1319	RIP	0.00	CUR ARR	0	EXP DTE	09/19	CR SCR2 000
CR LIMIT	TOT	37193.41	MTH ARR	0	LST REV	00/00	TME COL -002	
CURR	34000	CAB	36918.64					
PREV	0	DT	00/00/0000					
ORIG	0							
DELINQ	30 60 90 12 15	MTHS	ACT	TOP PUR	COLL	12/31/09	NO AND AMT OF	
OPEN	1 1 1 1 1			65 5 47	PAYMT	10/19/09	PAYMT 0	0.00
ISSUE	1 1 1 1 1			65 5 0	PURCH	05/11/09	RETRN 0	0.00
PAGE 1 OF 3 ACCT	4190 0808 6670 0614				TRANS	11/30/09	CR ADJ 0	0.00
					NONMON	11/06/09	DR ADJ 0	0.00

ONNN Notes
 ✓ ✓

Page: 1 Document Name: untitled

ONMN 4190080866700614 U.S. BANK NATIONAL ASSOCIATION ND
CARDHOLDER NON MONETARY HISTORY INQUIRY 10/26/10
11:06 AM

TRAN CODE/ OLD DATA	DATE	OPERATOR	DESCRIPTION/ NEW DATA	PAGE	1 of 6
USR	04/21/2010	CG493000	USER ENTERED MEMO		
RECLAMATION PRODUCT CHANGE			CURRENT CHANGED FROM 05881 TO 03315		
USR	04/08/2010	CG493000	USER ENTERED MEMO		
RECLAMATION PRODUCT CHANGE			PREVIOUS CHANGED FROM 03358 TO 03352		
INT	12/01/2009	F4680AL	ALM FOR INTEREST RATE TYPE		
PN1	11/23/2009	CG392216	5 DAY LATE PAYMENT		
C79	11/20/2009	F4680TR	STATEMENT CYCLE CHANGE		
014			035		
S92	11/06/2009	SAGITTE	FORCE AND STAY IN COLLECTIONS		
080	11/06/2009	SAGITTE	CHANGE AUXILIARY STATUS (EFTS)		
W2			W2CD		

7=PAGE UP 8=PAGE DOWN 9=0091 10=0TXT

===> PF FIRST PAGE DISPLAYED

T34L CGPOONMN

Page: 1 Document Name: untitled

ONMN 4190080866700614 U.S. BANK NATIONAL ASSOCIATION ND
CARDHOLDER NON MONETARY HISTORY INQUIRY 10/26/10
11:06 AM

TRAN CODE/ OLD DATA	DATE	OPERATOR	DESCRIPTION/ NEW DATA	PAGE	2 of 6
020	10/23/2009	DMB1805	CHANGE GENERAL INFORMATION		
020	10/17/2009	LMHONER	CHANGE GENERAL INFORMATION		
PN2	10/06/2009	CG392216	15 DAY LATE PAYMENT		
PN1	09/28/2009	CG392216	5 DAY LATE PAYMENT		
080	09/24/2009	JXROLAN	CHANGE AUXILIARY STATUS (EFTS) W2		
065	08/26/2009		STATUS PERMANENT RESTRAINT		
3			5		
PN1	08/24/2009	CG392216	5 DAY LATE PAYMENT		

7=PAGE UP 8=PAGE DOWN 9=0091 10=0TXT
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T34L CGPOONMN

Page: 1 Document Name: untitled

ONMN 4190080866700614 U.S. BANK NATIONAL ASSOCIATION ND
 CARDHOLDER NON MONETARY HISTORY INQUIRY 10/26/10
 11:06 AM

TRAN	CODE/ OLD DATA	DATE	OPERATOR	DESCRIPTION/ NEW DATA	PAGE	3 of 6
PN2	08/03/2009	CG392216		15 DAY LATE PAYMENT		
PN1	07/23/2009	CG392216		5 DAY LATE PAYMENT		
CHK	07/02/2009	CG396105		CONVENIENCE CHECK		
RTN	CHK # 009375 FOR 407 06/24/2009	CICSPROD	\$786.00 W/F	NEGATIVE FILE TRANSACTION TYPE=ADD, PURGE=09/19, RSN=DO NOT HONOR ALM FOR INTEREST RATE TYPE		
INT	06/23/2009	F4680AL				
PN2	06/02/2009	CG392216		15 DAY LATE PAYMENT		
PN1	05/26/2009	CG392216		5 DAY LATE PAYMENT		

7=PAGE UP 8=PAGE DOWN 9=0091 10=0TXT
 ===> PF **TRANSACTION CONTINUES**

T34L CGPO0NMN

Page: 1 Document Name: untitled

ONMN 4190080866700614 U.S. BANK NATIONAL ASSOCIATION ND 10/26/10
 CARDHOLDER NON MONETARY HISTORY INQUIRY 11:07 AM

TRAN	CODE/ OLD DATA	DATE	OPERATOR	DESCRIPTION/ NEW DATA	PAGE	4 of 6
IVR		04/16/2009	V491694	CUSTOMER CONTACTED THE IVR INCOMP		
R93	3358	04/01/2009	CGREPRIC	REPRICING PRODUCT CHANGE - APPLIED 5881		
TXT	EXPRESS CONSENT	02/15/2009	CG33U190	FREE FORMAT TEXT OLD: NEW:CU		
080	080	02/02/2009	CG442900	CHANGE AUXILIARY STATUS (EFTS)		
	RE			CHANGE AUXILIARY STATUS (EFTS)		
P93	3358,	01/30/2009	CG39RP20	RE		
	04/01/2009, UP, Y			REPRICING PRODUCT CHANGE - PENDING 5881,D		
TXT		01/30/2009	CG39RP20	FREE FORMAT TEXT AUTOMATIC RE-PRICE CAMPAIGN		

7=PAGE UP 8=PAGE DOWN 9=0091 10=0TXT

===> PF TRANSACTION CONTINUES

T34L CGPO0NMN

AFFIDAVIT OF NOTARY PRESENTMENT

State of OREGON)
) ss.
County of DOUGLAS)

CERTIFICATION OF MAILING

On this 26th day of April, 2010, for the purpose of verification, I, the undersigned Notary Public, being commissioned in the County and State noted above, do certify that Lawrence Saccato appeared before me with the following document(s) listed below. I, the undersigned notary, personally verified that these documents were placed in an envelope and sealed by me. They were sent by United States Post Office Certified Mail receipt number #70072680000255258009 to US Bank P.O. Box 108 Saint Louis MO 63166.

Number of Pages

Dispute Letter **1**

Valynn Currie, Notary Public
P.O. Box 3097
Winston, Oregon 97496

WITNESS my hand and official seal.

Valyn Currie
NOTARY PUBLIC

4/26/10
DATE

(Seal)

My commission expires: 3/21, 2012

LJS 00016



Track & Confirm

Search Results

Label/Receipt Number: 7007 2680 0002 5525 7262

Service(s): Certified Mail™

Status: Delivered

Your item was delivered at 12:02 PM on April 19, 2010 in ALLEN, TX 75013.

Detailed Results:

- Delivered, April 19, 2010, 12:02 pm, ALLEN, TX 75013
- Arrival at Unit, April 19, 2010, 11:48 am, ALLEN, TX 75002

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

5525 7262		5525 7262	
CERTIFIED MAIL™ RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>			
For delivery information visit our website at www.usps.com			
OFFICIAL USE			
Postage	\$ 44	J8	
Certified Fee	250		
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$ 554		
Postmark Here			
Sent To Experian Street, Apt. No., or PO Box No. P O Box 9701 City, State, ZIP+4 Allen, TX 75013			
PS Form 3800, August 2006 See Reverse for Instructions Go >			

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No FEAR Act EEO Data FOIA



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Experian
P.O. Box 9701
Allen, Texas 75013

COMPLETE THIS SECTION ON DELIVERY

A. Signature **X** EXPERIAN Agent Addressee

B. Received by (Printed Name) **701 EXPERIAN PARKWAY** C. Date of Delivery **APR 20 2010**

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label) **7007 2680 0002 5525 7262**

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154C

LJS 00022

4/20/2010 10:15 AM



http://www.usps.com
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ <i>88</i>
Certified Fee	\$ <i>280</i>
Return Receipt Fee (Endorsement Required)	\$ <i>50</i>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <i>554</i>

Postmark
Here

7007	Sent To <i>TRANSUNION</i> Street, Apt. No.; or PO Box No. <i>P.O. Box 2000</i> City, State, Zip+4 <i>Chester PA 19022</i>
------	--

PS Form 3800, August 2006

See Reverse for Instructions

[Go >](#)

Track & Confirm

Search Results

Label/Receipt Number: 7007 2680 0002 5525 7286

Service(s): Certified Mail™

Status: Delivered

Your item was delivered at 10:56 AM on April 19, 2010 in CRUM LYNNE, PA 19022.

Detailed Results:

- Delivered, April 19, 2010, 10:56 am, CRUM LYNNE, PA 19022
- Arrival at Unit, April 19, 2010, 9:58 am, CHESTER, PA 19013

Notification Options

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No FEAR Act EEO Data FOIA



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Transunion
P.O. Box 2000
Chester , PA 19022

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent
 Addressee

B. Received by (Print Name) Printed Delivery

TransUnion LLC

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

APR 19 2010

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

(Transfer from service label)

7007 2680 0002 5525 7286

102595-02-M-1540

PS Form 3811, February 2004

Domestic Return Receipt

L5500024



Track & Confirm

Search Results

Label/Receipt Number: 7007 2680 0002 5525 7279

Service(s): Certified Mail™

Status: Delivered

Your item was delivered at 10:57 AM on April 20, 2010 in ATLANTA, GA 30348.

[Go >](#)

Detailed Results:

- Delivered, April 20, 2010, 10:57 am, ATLANTA, GA 30348
- Arrival at Unit, April 20, 2010, 9:14 am, ATLANTA, GA 30304

Notification Options

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No FEAR Act EEO Data FOIA



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Equifax
P.O. Box 740241
Atlanta, GA 30374

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

George Ray

Agent
 Addressee

B. Received by (Printed Name)

APR 20 2010

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)

7007 2680 0002 5525 7279

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

LJ 500026

4/20/2010 10:16 AM

LSS00028

ACCOUNT BALANCE,

US Bank PO Box 108 C B Disputes Saint Louis MO 63166-0108 : (866) 234-4750

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Months Revd	Activity Description	Creditor Classification					
483349200009*	07/2000					9							
Items As of Date Reported 04/2010	Balance Amount \$28,211	Amount Past Due 10/2009	Date of Last Paymnt 10/2009	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of 1st Delinquency 01/2009	Date of Last Activity 07/2009	Date Maj. Del. 1st Rptd 07/2009	Charge Off Amount \$25,746	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed

Current Status - Charge Off; Type of Account - Revolving; Type of Loan - Business Credit Card; Whose Account - Individual Account; ADDITIONAL INFORMATION - Charged Off Account;

Account History with Status Codes	03/2010	02/2010	01/2010	12/2009	11/2009	10/2009	09/2009	08/2009	07/2009
	L	L	L	L	L	L	L	L	L

US Bank PO Box 108 C B Disputes Saint Louis MO 63166-0108 : (866) 234-4750

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Months Revd	Activity Description	Creditor Classification					
419008086670*	09/1992	\$37,193	\$34,000			99	Transfer/Sold						
Items As of Date Reported 03/2010	Balance Amount \$0	Amount Past Due 01/2010	Date of Last Paymnt 01/2010	Actual Paymnt Amount	Scheduled Paymnt Amount	Date of 1st Delinquency 06/2009	Date of Last Activity	Date Maj. Del. 1st Rptd	Charge Off Amount	Deferred Pay Start Date	Balloon Pay Amount	Balloon Pay Date	Date Closed

Current Status - Over 120 Days Past Due; Type of Account - Revolving; Type of Loan - Line Of Credit; Whose Account - Individual Account; ADDITIONAL INFORMATION - Account Transferred or Sold; Line of Credit;

Account History with Status Codes	12/2009	10/2009
	L	5

(Continued On Next Page)



Prepared for

LAWRENCE JAMES SACCATO

Report number

3868701296

Report date

October 24, 2009

www.experian.com/disputes

PO BOX 9701, Allen, TX 75013

Page 9 of 34

Potentially negative items or items for further review continued

US BANK PO BOX 108 SAINT LOUIS MO 63166 (800) 481-9057	<i>Date opened</i> Sep 1992	<i>Date of status</i> Sep 2009	<i>Type</i> Revolving	<i>Responsibility</i> Individual	<i>Credit limit or original amount</i> \$34,000	<i>Recent balance</i> \$36,350 as of Sep 2009	Status: Open. \$4,408 past due as of Sep 2009.
Partial account number 419008086670....	<i>Reported since</i> Apr 1994	<i>Last reported</i> Sep 2009	<i>Terms</i> NA		<i>High balance</i> \$36,660		Account history: 120 days past due as of Sep 2009 90 days past due as of Aug 2009 60 days past due as of Jul 2009 30 days past due as of Jun 2009
			<i>Monthly payment</i> \$1138				As of Mar 2016, this account is scheduled to go to a positive status.
							Address identification number: 199376960

Accounts in good standing

L
S
C
O
W
N

0101786397 F-179-00085-0517000



CERTIFICATE OF SERVICE

I hereby certify that a copies of the forgoing Plaintiff's MOTION FOR SUMMARY JUDGMENT, MEMORANDUM OF POINTS AND AUTHORITIES, PLAINTIFF'S STATEMENT OF UNDISPUTED MATERIAL FACTS, and DECLARATION OF LAWRENCE JAMES SACCATO with Supporting Exhibits for Case # 10-06244-HO, was sent by First Class Mail with postage prepaid through the United States Post Office to:

Clerk of the Court
Wayne L. Morse
United States Courthouse
405 East Eighth Avenue
Eugene, Oregon 97401

Chris Kayser for
U.S. Bank National Association N.D.
621 SW Morrison St. Suite 1450
Portland, Oregon 97205

They were deposited in the United States Post Office in Roseburg, Oregon on November 8, 2011.

LAWRENCE SACCATO
Lawrence James Saccato, Plaintiff
c/o 6387 Old Highway 99 S
Roseburg, Oregon 97471
541-784-2284 mess.
ljsaccato@gmail.com